

1 THE HONORABLE RICARDO MARTINEZ

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7 UNITED STATES DISTRICT COURT  
8 WESTERN DISTRICT OF WASHINGTON  
9 AT SEATTLE

10 KENNETH FLEMING, JOHN DOE, R.K. and  
11 T.D.,

12 Plaintiffs,

13 v.

14 THE CORPORATION OF THE PRESIDENT  
15 OF THE CHURCH OF JESUS CHRIST OF  
16 LATTER-DAY SAINTS, a Utah corporation  
17 sole, a/d/a "MORMON CHURCH"; LDS  
18 SOCIAL SERVICES a/d/a LDA FAMILY  
19 SERVICES, a Utah corporation,

20 Defendants.

NO. C04-2338 RSM

**DECLARATION OF JON CONTE  
REGARDING R.K.**

21 I, Jon R. Conte, Ph.D., under penalty of perjury under the laws of the State of  
22 Washington, hereby declare as follows:

23 1. I am a Professor at the School of Social Work, University of Washington,  
24 Seattle, Washington, am over the age of 18, and am competent to testify as follows:

25 2. I have been on the faculty at the University of Washington since 1990. In that  
26 capacity, I teach courses on social work practice, child abuse and trauma, and psychotherapy.

DECLARATION OF JON CONTE. - 1 of 7  
(C04-2338 RSM)  
[157819 v11.doc]

ORIGINAL

LAW OFFICES  
GORDON, THOMAS, HONEYWELL, MALANCA,  
PETERSON & DAHEIM LLP  
ONE UNION SQUARE  
600 UNIVERSITY, SUITE 2100  
SEATTLE, WASHINGTON 98101-4185  
(206) 676-7500 - FACSIMILE (206) 676-7575

1           3.     I am currently on the Editorial Board of Child Abuse and Neglect. I am the  
2 Editor of the Journal of Interpersonal Violence and the Editor of Trauma, Violence, and  
3 Abuse: A Review Journal.

4           4.     I am the Immediate Past President and was the first President of the American  
5 Professional Society on the Abuse of Children. I am on the Board of Councilors of the  
6 International Society for the Prevention of Child Abuse and Neglect.

7           5.     I am the author of approximately 50 scientific and academic publications in  
8 peer-reviewed journals or book chapters. Over my career, I have lectured frequently at  
9 national or international professional and scientific meetings before multidisciplinary  
10 audiences of psychologists, physicians, attorneys, social workers and other professionals.

11           6.     I have been qualified to testify as an expert on various aspects of childhood  
12 sexual abuse, trauma and other forensic issues. I have testified as an expert in the following  
13 states and countries: Washington, Oregon, California, Illinois, Wisconsin, Florida, Virginia,  
14 New Hampshire, Colorado and Canada.

15           7.     I maintained a small private practice on Mercer Island, Washington where I  
16 specialized in psychotherapy with individual youth and adults; most of whom have been  
17 sexually abused in childhood. I currently am engaged in the practice of forensic mental  
18 health. In this capacity, I have evaluated over 4,000 individual children, teens and adults who  
19 allege psychological damages from sexual abuse in childhood.

20           8.     Psychotherapy of traumatized individuals inherently involves assisting the  
21 traumatized individual to understand the connection between the trauma and the various  
22 harms which result from the trauma. This is a complex process which is central to therapy.

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DECLARATION OF JON CONTE. - 2 of 7  
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1           9. I provide this declaration in response to defendants' Motion for Summary  
2 Judgment. In conducting my evaluation I interviewed Mr. Kelly for about six hours on  
3 August 31, 2005. I also had Mr. Kelly complete certain measures of psychological  
4 functioning and I reviewed his deposition testimony and reviewed other documents.

5           10. Mr. Kelly is extremely symptomatic. At age 42, he lives at home with his  
6 parents because that is where he feels safe. It should be noted that Mr. Kelly is unpracticed in  
7 telling his life story. He does not appear to be particularly psychologically minded. He has  
8 never had counseling for the sexual abuse he suffered. He told me that one of the reasons he  
9 was looking forward to the evaluation is that he did not understand how the abuse has  
10 impacted his life. It is my opinion that he has limited understanding of how the sexual abuse  
11 in his life has impacted him.

12           11. Mr. Kelly is a man with limited understanding of his own behavior, its origins  
13 or why he behaves as he does. He reports engaging in adolescent-like conflicts with the  
14 students he presently teaches and has no appreciation that because of the abuse he acts and  
15 feels emotionally like an adolescent himself at times. This behavior illustrates the extent to  
16 which he has no insight into his own behavior, is not psychologically minded, and does not  
17 make the connection between this behavior, the abuse, and the other events in his life which  
18 are associated with the behavior. The mental health term for the mental condition when a  
19 behavior is seen as normal, does not cause the person to wonder why he engages in it, and has  
20 no sense that it should be changed is "egosyntonic".

21           12. The capacity to make a connection between an event such as abuse and its  
22 harms requires a complex mental process. It is a process which is particularly difficult for  
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1 adults abused in childhood because of the very nature of child development. The  
2 developmental imperative is to move forward with growth. Children typically put painful  
3 experiences out of mind or awareness. Children are extremely adept at defending against  
4 painful experiences by denial and suppression. A fifteen year old boy who has pushed  
5 thoughts about abuse out of his mind that happened when he was ten has spent one-third of  
6 his life not thinking about an experience. A person must regard the behavior as not normal,  
7 must wonder why he engages in it, and must have some negative emotion attached to the  
8 behavior before he wants to change it and before he can be said to appreciate the connection  
9 between the behavior (harm) and some event. The mental health term for this is that the  
10 behavior must be "ego dystonic".  
11

12 13. Much of Mr. Kellys' early adult life was filled with marginal employment,  
13 relationship difficulties and interpersonal conflicts. He has been focused on real world  
14 problems (such as divorce, employment) and has a significant number of other symptoms  
15 which also tend to preoccupy his mental awareness and energy.  
16

17 14. As I reported in my September 2005 evaluation report, this is a man with  
18 significant symptoms. To evaluate those symptoms I conducted certain tests. I had Mr. Kelly  
19 complete a Symptom Assessment - 45 Questionnaire which is a brief symptom checklist  
20 providing a rapid assessment of an individual's functioning in comparison to a non-patient  
21 sample on typical mental health symptoms. Mr. Kelly reports "extremely atypical" symptom  
22 functioning on anxiety, depression, obsessive-compulsive, phobic anxiety, hostility,  
23 interpersonal sensitivity, paranoid ideation, and psychoticism. He reports "moderately  
24 atypical" levels of somatization.  
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1           15. I also had Mr. Kelly complete a Trauma Symptom Inventory (TSI) which is a  
2 well respected measure of the effects of trauma; especially sexual trauma. The resulting  
3 profile indicates significant levels of anxious arousal, depression, anger/irritability, intrusive  
4 experiences, defensive avoidance, sexual concerns, dysfunctional sexual behavior, impaired  
5 self-reference, and tension reduction behavior.

6  
7           17. I also had Mr. Kelly complete a Detailed Assessment of Posttraumatic Stress  
8 (DAPS) which provides a more complete assessment of post traumatic stress symptoms. The  
9 results indicate that he is not trying to present himself in an overly positive or especially  
10 negative or pathological manner. Results indicate that he is reporting significant levels of  
11 post traumatic response with significant levels of impairment. A diagnosis of post traumatic  
12 stress disorder, chronic is appropriate based on his self report and on the DAPS results.  
13 Results point to the fact that he experienced significant levels of dissociation at the time of the  
14 abuse and that he currently reports significant levels of post traumatic stress including re-  
15 experiencing, avoidance, and hyper-arousal symptoms. I believe he suffers from these  
16 symptoms as the result of the childhood sexual abuse.

17  
18           18. This is a man who had an overwhelming negative experience in the sexual  
19 abuse during his youth. He was threatened not to report it. He has had a symptomatic,  
20 distressed, and conflict-ridden life since and lacks the psychological mindedness or capacity  
21 to understand that these symptoms are, at least in large part, the result of sexual abuse during  
22 his youth. Knowing the fact that one was abused is not the same thing as understanding how  
23 that experience has harmed you. Knowing that the abuse was wrong is also not the same as  
24 knowing one has been harmed. Mr. Kelly has limited understanding of these connections. As  
25  
26

1 of the date I evaluated him he was not able to appreciate the connections. He likely will not  
2 be able to appreciate the connections until he has years of therapy.

3 I certify under penalty of perjury, under the laws of the State of Washington and the  
4 United States, that the foregoing is true and correct

5 DATED this 30<sup>th</sup> day of January, 2006 at Meriden Island, Washington

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9 JON CONTE

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CERTIFICATE OF ELECTRONIC FILING

I hereby certify that on January 30, 2006, I electronically filed the foregoing  
**DECLARATION OF JON CONTE RE RK** with the Clerk of the Court using the CM/ECF  
system which will send notification of such filing to the following:

Thomas D. Frey and Marcus Nash STAFFORD FREY COOPER 601 Union Street, Suite 3100 Seattle, WA 98101-1374	
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DATED this 30<sup>th</sup> day of January, 2006.

/s/Teri A. Watson  
Teri A. Watson  
Assistant to Michael T. Pfau,